IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11290 of 2002
to
SPECIAL CIVIL APPLICATION No 11302 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

SHANTILAL LABHSHANKAR VYAS

Appearance:

1. Special Civil Application No. 11290 of 2002
Mr.Digant P. Joshi, ASSISTANT GOVERNMENT PLEADER for Petitioner No. 1-3
MR SHAKTISINH GOHIL for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 28/01/2003

COMMON ORAL JUDGEMENT

All these petitions are filed challenging the judgement and award in Reference (LCB) Nos.102/90 to

104/90, 231/ 90 to 238/90, 406/90 & 534/90 dated 17.7.2000 passed by the learned Labour Court, Bhavnagar and also the order passed in Misc. Civil Application No.69 of 2001 dated 29.1.2002. The learned Judge after taking into consideration the material available on the file of the Court was pleased to pass the award. Being aggrieved of the said award, after more than nine months, an application was filed which also came to be rejected by the learned Judge by a speaking order.

2. Heard the learned advocates at length. Perused the record of the case, the judgement and award of the Labour Court and also the order passed in Misc. Civil Application No.69 of 2001 dated 29.1.2002. The learned Assistant Govt. Pleader, Mr.D.P. Joshi is not successful in assailing the judgement and award so far as it relates to reinstatement with continuity of service. However, so far as it relates to back wages is concerned as the learned Judge has awarded full back wages it is deemed fit to reduce the same to 25%.

3. The judgement and award of the learned Judge is modified accordingly. The modified award shall be complied with within four weeks from the date of receipt of this judgement.

4. The petitions are disposed of accordingly. Rule is made absolute in the aforesaid terms. No order as to costs.

(Ravi R. Tripathi, J.)

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